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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/458,642	12/09/1999	RICHARD S. SCHWERDTFEGER	AUS990817US1	9110
35617	7590	03/09/2005	EXAMINER	
DAFFER McDANEIL LLP P.O. BOX 684908 AUSTIN, TX 78768			SALAD, ABDULLAHI ELMI	
		ART UNIT		PAPER NUMBER
		2157		

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/458,642	SCHWERDTFEGER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Salad E Abdullahi	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 09 December 0204.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-30 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 9,13,17,22 and 28-30 is/are allowed.  
 6) Claim(s) 1,3-6,14,16 and 23-27 is/are rejected.  
 7) Claim(s) 2,7,8 and 15 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

**Response**

1. The response filed on 12/9/2004 has been entered and made of record.
2. Original claims 1-30 are still pending.
3. Applicant's arguments with respect to claims 1, 3-6, 14, 16 and 23-27 have been considered but are moot in view of the new ground(s) of rejection.
4. After further reviewing the claims 1, 3-6, 14, 16 and 23-27 a new ground of rejection is made.
5. The terminal disclaimer filed 12/9/2005 has been received and made of record.

**Allowable Subject Matter**

6. Claims 2, 7-8, and 15, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. Claims 9-13 and 17-22, and 28-30 are allowed.

**Claim Rejections - 35 USC § 102**

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351 (a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

9. Claims 14 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Hyman et al., U.S. Patent No. 6, 430,624.

In considering claims 14 Hyman discloses disclose a client system (15), comprising:

- an output device (computer 100); and
- a user agent (proxy) coupled to the output device and adapted for coupling to a proxy (see col. 11, lines 16-20), wherein the user agent is configured to:
- receive an original script from the proxy, wherein the original script includes an element and an identifier assigned to the element form a transcoded/translated document in response to the original script, wherein the transcoded document is a representation of the portion of the electronic document (see figs.2 and 3, and col. 7, lines 47-66 and fig. 6, and col. 9, lines 47-63).

In considering claim 16, Hyman discloses a system as recited in claim 14, wherein the output device is display device ((see figs.2 and 3, and col. 7, lines 47-66

#### ***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 1, 3-6, and 23-27 rejected under 35 U.S.C. 103(a) as being unpatentable over Hyman et al., U.S. Patent No. 6,446, 256.

As per claims 1 and 23, Hyman discloses a system for delivering an electronic document (web page documents), comprising:

- a transcoder proxy (see col. 11, lines 16-20) coupled to receive the electronic document in a first digital format (HTML or XML), wherein the transcoder proxy (proxy engine or translation server) is configured to:
  - assign a unique identifier to the element including unique identifier (see col. 7, lines 48-65);
  - form a model of a logical structure (document object model of the electronic document (see figs. 4 and 3 and col. 6, line 53 to col. 7, line 20);
  - use the model to produce an original script that includes: (1) at least a portion of the electronic document expressed in a second digital format, and (ii) the element and the identifier assigned to the element (see figs. 4 and 3 and col. 6, line 53 to col. 7, line 20)
- a client machine coupled to receive the original script (see col. 5, lines 56-62).

Hyman is silent regarding: wherein a JAVASCRIPT event is associated with the element, and wherein the element includes JAVASCRIPT code executed in response to the JAVASCRIPT event.

Nonetheless, the utilization of Javascript code is well known in the art and would have been an obvious modification to Hyman's system. Furthermore, Hyman discloses utilizing variety of executable code capable of execution by an interpreter (see col. 5, line 63 to col. 7, line 25). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to utilize Javascript code such that transcoded document can be easily and efficiently provided.

In considering claims 3-4, and 24-25, Hyman discloses accessing and manipulating the document using document object model (DOM) (see col. 7, lines 10-20).

In considering claims 5-6 and 26-27, Hyman discloses a system as recited in claim 3, wherein the first digital format is a text-based markup language such as HTML or XML (see col. 6, line 53 to col. 7, line20).

## **CONCLUSION**

12. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Salad E Abdullahi whose telephone number is 571-272-4009. The examiner can normally be reached on 8:30 - 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can

be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Abdullah Salat  
Examiner Art unit 2157  
3/6/2005